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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,033	10/12/2000	Howard J. Glaser	STL920000062US1	8030
47069	7590	07/27/2005	EXAMINER	
KONRAD RAYNES & VICTOR, LLP			KENDALL, CHUCK O	
ATTN: IBM54				
315 SOUTH BEVERLY DRIVE, SUITE 210			ART UNIT	PAPER NUMBER
BEVERLY HILLS, CA 90212			2192	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/687,033	GLASER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chuck Kendall	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05/09/05.  
 2a) This action is FINAL.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-21 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/09/05 has been entered.

2. Claims 1 – 21 are pending in this Application.

### **Claim Rejections - 35 USC 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1 – 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Downs et al USPN 6,226,618 B1.

Regarding claim 1, Downs anticipates an article of manufacture for use in a data processing system for installing an application program for execution on the data processing system, said article of manufacture comprising a computer-readable storage

medium having a computer program embodied in said medium which causes the data processing system to execute method steps comprising:

defining a user configuration of the application program installation corresponding to a particular user of the application program (80: 20 – 30, see under Application installation for End-User(s) and configuring to Web Browser (s));

encrypting and storing the user application program installation configuration in a manifest file (80: 29 – 31, for encryption keys);

determining that the stored user application program installation configuration corresponds to the particular user (79:32 – 41, see End-User(s));

authenticating the particular user in response to the particular user requesting the application program (25:3 – 5, see authenticity and authorization);

decrypting the manifest file in response to the user authentication (44: 8 – 11);

and

building the application program pursuant to the user application program installation configuration decrypted from the manifest file ( 70:63 – 71:9).

Regarding claim 2, the article of manufacture of claim 1 wherein the data processing system is a local data processing system, and wherein the computer program embodied in said medium causes the data processing system to execute the additional method steps comprising:

storing the user application program installation configuration on a remote server executing on a remote data processing system (see FIG. 5, 103 and all related text);

Art Unit: 2192

initiating a session between the local data processing system and the remote data processing system in response to the particular user requesting the local application program (see 69:37 – 40, see End-User Devices 109 and communicates with Content Hosting Site(s), for initiates a session);

responsive to the user authentication, downloading data from the remote data processing system to the local data processing system according to the stored user application program installation configuration (70:4 – 10); and

downloading the manifest file from the remote data processing system to the local data processing system (70:27 – 32).

Regarding claim 3, the article of manufacture of claim 2 wherein the computer program embodied in said medium causes the data processing system to execute the additional method steps comprising:

authenticating the particular user in a second authentication responsive to the, particular user requesting a build of the application program (13: 23 – 26, see second key);

decrypting the manifest file responsive to the second authentication (13:3 – 25, see “so that encrypted data with one key can only be decrypted with the other key”); and

building the application program pursuant to the user application program installation configuration decrypted from the manifest file responsive to the second authentication (70:63 – 71:9).

Regarding claim 4, the article of manufacture of claim 1 wherein the computer program embodied in said medium causes the data processing system to execute the additional method step comprising:

recording a description of items that are being used by the particular user (46: 11 – 17).

Regarding claim 5, the article of manufacture of claim 4 wherein the recorded description is used for administering licensing of the items (46:41 – 61).

Regarding claim 6, the article of manufacture of claim 2 wherein the remote server is a web server (FIG.1B, 138 see eCOMMERCE SERVER also see all related text).

Regarding claim 7, the article of manufacture of claim 1 wherein the user application program installation configuration comprises data describing the particular user (46:22, see identification), the particular user's application program user configuration, and resources for which the particular user is authorized (82:5 – 20).

Regarding claim 8, which is the method version of claim 1, see rationale above as previously discussed.

Regarding claim 9, which is the method version of claim 2, see rationale above as previously discussed.

Regarding claim 10, which is the method version of claim 3, see rationale above as previously discussed.

Regarding claim 11, which is the method version of claim 4, see rationale above as previously discussed.

Regarding claim 12, which is the method version of claim 5, see rationale above as previously discussed.

Regarding claim 13, which is the method version of claim 6, see rationale above as previously discussed.

Regarding claim 14, which is the method version of claim 7, see rationale above as previously discussed.

Regarding claim 15, which is the system version of claim 1, see rationale above as previously discussed.

Regarding claim 16, which is the system version of claim 2, see rationale above as previously discussed.

Regarding claim 17, which is the system version of claim 3, see rationale above as previously discussed.

Regarding claim 18, which is the system version of claim 4, see rationale above as previously discussed..

Regarding claim 19, which is the system version of claim 5, see rationale above as previously discussed.

Regarding claim 20, which is the system version of claim 6, see rationale above as previously discussed.

Regarding claim 21, which is the system version of claim 7, see rationale above as previously discussed.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1 - 21 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-272-3698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ck.

*Chameli C. Das*  
**CHAMELI C. DAS**  
**PRIMARY EXAMINER** *7/25/01*